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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAY SCHUYLEMAN,

CASE NO. C23-0562JLR

11 Plaintiff,

ORDER DISCHARGING ORDER
12 v.
13 BARNHART CRANE AND
14 RIGGING CO., et al.,
15 Defendants.

TO SHOW CAUSE

16 Before the court are the parties' timely responses to the court's June 28, 2023
17 order directing counsel to show cause why this action should not be dismissed for failing
18 to file a timely joint status report and discovery plan in accordance with the court's initial
19 scheduling order. (Pl. Resp. (Dkt. # 25); Defs. Resp. (Dkt. # 26); *see* 6/28/23 OSC (Dkt.
20 # 23); 5/19/23 Sched. Order (Dkt. # 15).) Plaintiff Jay Schuyleman states that his
21 attorney misunderstood the effect of Defendants Barnhart Crane and Rigging Co. and
22 Barnhart Crane and Rigging, LLC's (together, "Barnhart") pending motion to dismiss on

1 the initial scheduling deadlines. (Pl. Resp. at 2; *see* 5/24/23 MTD (Dkt. # 16); 6/12/23
2 Order (denying Barnhart's May 24, 2023 motion to dismiss as moot after Mr.
3 Schuyleman amended his complaint); 6/26/23 MTD (Dkt. # 22).) Barnhart asserts that
4 the court should dismiss the case for failure to prosecute. (Defs. Resp. at 2.)

5 Being fully advised, the court DISCHARGES its order to show cause (Dkt. # 23)
6 and STRIKES the deadlines set in its May 19, 2023 initial scheduling order. The court
7 will set new initial scheduling deadlines, if appropriate, when it issues its order on
8 Barnhart's pending motion to dismiss.

9 Dated this 19th day of July, 2023.

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JAMES L. ROBART
United States District Judge